

PBA/NE/D088262PUS:CJM:138350

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

John Granville Kay et al.

Serial No. 09/807,167

Filed April 9, 2001

FLOOR COVERING MATERIAL AND  
METHOD FOR PRODUCING SAME

Before

Leonard Smith, Legal Examiner

PCT Legal Office

and

Derek A. Putonen, Petitions Attorney

PCT Legal Office

RECEIVED

17 JAN 2002

Legal Staff

International Division

**RENEWED PETITION TO ESTABLISH  
UNAVAILABILITY OF INVENTOR  
UNDER 37 C.F.R. §1.47(a)**Hon. Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Applicant hereby renews its petition to the Commissioner to regard the inventor Grenville

Seager as unavailable under 37 C.F.R. § 1.47(a).

In a Decision dated September 18, 2001, Applicant's response to a Notice of Missing Parts was accepted as a petition under 37 C.F.R. §1.47(a). As indicated in the Decision on that petition, a petition under 37 C.F.R. 1.47(a) must be accompanied by (1) the requisite \$130 petition fee required by 37 C.F.R. 1.17(l); (2) factual proof that the missing joint inventor refuses to execute the applicant or cannot be reached after diligent effort; (3) a statement of the last known address of the missing joint inventor; and (4) an oath or declaration executed by each of the signing joint inventors on their behalf and on behalf of the non-signing joint inventor. The Decision indicates that items (1) and (4) have already been acceptably satisfied.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, DC 20231 on November 16, 2001.

Charles J. Meyer

Name of Registered Representative



Signature

November 16, 2001

Date of Signature

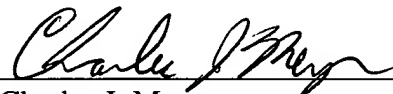
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Applicant additionally submits herewith a factual Declaration itemizing Applicant's diligent, but unsuccessful, efforts to reach Mr. Grenville Seager. Applicant's efforts including mailing a copy of the application and the Oath with a request that he sign the oath to Mr. Seager's last known address by Recorded Delivery. The mailed copy was returned by the Royal Mail with the indication that, "addressee has gone away." Mr. Seager's last known address is: 87 Bury New Road, Whitefield, Manchester M457EG, Great Britain. Attempts to locate Mr. Seager's current address and telephone number have been unsuccessful. Because reasonable efforts have been made to locate Mr. Seager to present the Oath for execution, it is respectfully submitted that he is an unavailable inventor under 37 C.F.R. §1.47(a).

As additional evidence of Mr. Seager's status as an inventor and his intentions, Applicant encloses with the Declaration a previously signed copy of an assignment where Mr. Seager, as an inventor, assigned his rights in the United States application to Applicant.

Applicant respectfully submits that it has fulfilled the requirements of 37 C.F.R. §1.47(a), and requests acceptance of the application. Should further fees be required, please charge such fees to Deposit Account Number 23-3030, but not to include payment of issue fees.

Respectfully submitted:



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